(b) if so, by when the said amount will be released to Madhya Pradesh?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) The combined allocation of Additional Central Assistance (ACA) for the National Social Assistance Programme (NSAP) and the Annapurna Scheme to Madhya Pradesh for the year 2005-06 is Rs. 7649.45 lakhs.

(b) As per guidelines the releases of ACA to the States will be made automatically by the Ministry of Finance in equal instalments on a monthly basis until December of the financial year. However, the release of ACA for the last quarter of the financial year i.e. for the three months of January, February and March, would depend upon the reporting of satisfactory progress of implementation of the schemes and utilization of funds by the States. As per information available with the Ministry of Rural Development, so far an amount of Rs. 1912.36 lakhs has been released to Madhya Pradesh by the Ministry of Finance during 2005-06.

Implementation of Panchayati Act

2894. SHRIMATI HEMA MALINI: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether Government are considering to implement the provision of Panchayat (Extension to Scheduled) Act, 1996;

(b) if so, by when it is expected to be implemented and to what extent the tribals will be benefited; and

(c) to what extent the Act will help to check naxalites activities in tribal dominated areas?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) and (b) Yes, Sir. The provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 is being implemented in the States incorporating Schedule V areas. Details are provided in the Statement enclosed (See Below). The objective of PESA is to enable tribal communities in Schedule V areas to assert their identity, control local natural resources, and exercise self-Government through participation , in Panchayati Raj Institutions.

(c) Although the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 have been incorporated in State Panchayati Raj Acts, lacunae in implementation are in evidence. The implementation of PESA in letter and spirit will without doubt contribute to containing the menace of naxalism in Scheduled V areas.

Statement

Implementation of the Provision of Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA, 1996)

S. Component Mandatory provisions	Andhra Pradesh	Chhattisgarfi	Jharkhand	Gujarat	Himachal Pradesh	Madhya Pradesh	Maharashtra	Orissa	Rajasth
1 2	3	4	5	6	7	8	9	.10	11
1. Section 4 (f): The Gram Sabha or the at the appropriate level shall be consulted making the acquisition land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by projects in the Areas: the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level;	The AP Act has assigned this responsibility to IP. However, actual planning and implementati will be co-ordinated at the State level.	The Chhattisgarh Act has made provision that before acquiring land for development projects, Gram Sabha will be consulted.	The Jharkhand Act has no provision in this regard.	The Gujarat Act has assigned this responsi-bility to Intermediate Panchayat.	The HP Act provides that Gram Sabha will be consulted before making acquision of land.	Provision made.	The Maha-rashtra Act says that every Panchayats shall be consulted by the authority while every Panchayat shall consult Gram Sabha before conveying its decision.	The Orissa Act has stated that District Panchayat shall be consulted before land is acquired.	Many powers provided Gram
2. Section 4 (i): management of Minor water bodies in the Scheduled Areas shall be entrusted to Panchayats at the appropriate level;	The AP Act has assigned this power to either of the three tiers of Panchayats as the case may be.	The Chhattisgarh Act has assigned powers on Gram Sabha. Interme-diate and District Panchayat have powers to plan, own and manage minor water bodies upto a specified water areas.	The Jharkhand Act has assigned this power to Gram Panchayat	The Gujarat Act entrusts this power to Gram Panchayat	The HP Act has assigned these powers at the appropriate level of Panchayats with powers to planning and manage-	MP Govt has assigned functions to Gram Sabha to plan, own and manage bodies situated . within its territorial jurisdiction.	The Maharashtra Act does not make a mention in this matter.	The Orissa Act has assigned this subject to District Panchayats.	
3. Section 4 (k): The recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be	The AP Act provides for recommenda-tions of Gram	The Chhattisgarh Act has no provision in this regard.	The Jharkhand Act has no provision in this regard.	The Gujarat Mines & Mineral & Dev) Act provides that	The HP Act says that the recommendati-ons of Gram Sabha shall be	Prior recom-mendation of Gram Sabha is mandatory.	The Maharashtra Act says that Panchayat shall be competent to make recommen-	The Orissa Act has assigned this power to District	Prior permissio of Gram Sabha PRI made

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made mandatory prior to grant of prospecting licence or mining lease for minor minerals by auction;	Panchayat which shall be taken into consideration prior to grant of prospecting prospecting license.			prior to tranrjng the quarry lease and quarry permit recommenda-tions of GP shall be obtained.	taken into consideration, prior to granting license. In other areas, resolution of GPis mandatory.		dations to licensing authority prior to grant license or permit Proposal for devolution powers to Gram Sabha is under process.	Panchayat	compulsory.
Section 4 (1): The prior recommen-dation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction;	The AP Act has provided that prior recommen-dations of GP shall be taken shall be taken into	The Chhattisgarh Act has m> provision in this regard.	The Jharkhand Act has no provision in this regard.	The Gujarat Mines & Mineral Act provides that prior to granting the quarry lease and quarry permit, recom-mendation of G P shall be obtained.	The HP Act Yas. has stated that prior recommendation of Gram Sabha shall be mandatory for grant of concession.		The Mines S Minerals (Reg. & Dev.) Act provides powers to Gram Sabha in this matter.	The Orissa Act has assigned this power to Distict Panchayat.	Recommen-dation of Gram Sabha or the PRI made compulsory for the concession.
Section 4 (mXi): The power to enforce prohibition or to regulate or restrict the sale and consumpfion of any intoxicant;	The AP Act has assigned this function either Gram Panchayat or Gram Sabha as the case may be.	The Chhattisgarh Act has assigned this power to to Gram Sabha	The Jharkhand Act has assigned this power to Gram Panchayat.	The Gujarat Act has no provision as the State has adapted prohibition in the whole State.	The HP Act Gram Sabha empowered. Act says that either to GP Sabha or GS. GP may by vote majority prohibition or to direct not to regulate sold intoxicant that powers have bean assigned to all three tiers.	Maharashtra	The has assigned this power Gram shall be competent to 2/3rd enforce of members, through Panchayat within Accordingly Panchayat.	The Orissa Act has assigned powers to GP to be exercised under direct supervision of Gram Sabha.	PRI at the appropriate level is empowered to enforce prohibition.

1	2	3	4	5	6	7	8	9	10	11
6.	Section 4 (m)(fi): The ownership of minor Forest Produce;	The AP Act says that Gram Pane hay at or Gram Sabha the case may be. shall exercise in this matter, as may be prescribed.	The Chhattisgarh Act has no provision in this regard.	The Jharkhand Act has assigned these powers to three tiers of Panchayat	The Gujarat Act has the right to ownership of MFP to Panchayat Sale shall be paid into form part of village fund.	The HP Act has says that either Gram Panchayat or Gram Sabha shall exercise these powers.	The *Vadhya Pradesh Laghu Van Upaj (Gram Sabha Ko Swamitwa Ka Sandan) Vidhayak 2000'* submitted the Forest Oeptt. MP is under revision to include issues such as 'Owneship of Minor Forest Minor Forest Produce'. 'Jurisdictional Issues; etc. raised by the Min. of Rural Development	The Maharashtra Act provides that issue to Panchayat with regard to exploitation and regulation of trading of 33 MFPs and every Panchayat shall be competent to regulate exploitation, management and trade of MFPs.	The Orissa Act has assigned powers to GP to be excerctsed under direct supervision of Gram Sabha.	PRI at the appropria level is endowed with the ownershi control manage minor forest produce.
7.	Section 4 (m)(III): The power to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of a Scheduled Tribe;	The AP Act says that Gram Panchayat or Gram Sabha shall perform 'such functions.	The Chhattisgarh Act has no provision in this regard.	The Jharkhand Act has assigned this power to District Panchayat	The Gujarat Act has assigned this power to Dissict Panchayat	The HP Act has no provision in this regard as tribal can not alienate their land so situated in scheduled areas.	Gram Sabha Endowed with such powers.	The Maharashtra Act has assigned this power to Cram Sabha to recommend through Panchayats. IP and DP have also assigned these powers.	The Orissa Act has assigned powers to to be exercised under direct supervision of Gram Sabha.	PRI at the appropria level is empower to alienation land in Schedule Areas restore unlawful alienation c an ST.
B.	Section 4 The power to manage village markets by whatever name	The AP Act assigned power to Gram Panchayat or	The Act provides Gram Sabha shall have	The Jharkhand Act has assigned this	The Gujarat Act has assigned this power to	The HP Act has assigned powers to Gram	The Gram Sabha has been assigned with powers to	The Maharastra has has not made any prevision	The Orissa Act has assigned powers to GP	PRI at appropria level is empower ec

called;	Gram Sabha as the case may be	powers to manage village markets and melas through Gram Panchayat.	power to all three tiers of Panchayat	Gram Panchayat	Panchayat or Gram Sabha.	manage village markets and meals including cattle fair through the Gram Panchayats-	in this regard.	to be exercised under direct supervision of Gram Sabha.	to manage village
1. Stction 4 The power to exercise control over money lending to the Scheduled Tribes;	The AP Act says that Gram Panchayat or Gram Sabha shall perform such functions.	The Act has no provision in this regard.	The Jharkhand Act has assigned this power to District Panchayat.	The Gujarat Act has assigned this power to Gram Panchayat	The HP Act has assigned powers to Gram Panchayat or Gram Sabha	Gram Sabha endowed with powers.	Under the Maharashtra Act such licence can be granted by Registrar after consultation with Gram Sabha(s) and concerned Panchayat(s).	The Orissa Act has assigned powers to to be exercised under direct supervision of Gram Sabha.	PRI at the appropriate level is empowered to exercise control over money lending to the members of ST.